

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Merlin Wayne Turner) Case No: 3:97CR166-8
Date of Previous Judgment: 03/24/1999) USM No: 13154-058
(Use Date of Last Amended Judgment if Applicable)) Randolph M. Lee
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months **is reduced to** Time Served Plus 10 Days .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33 Amended Offense Level: 31
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 168 to 210 months Amended Guideline Range: 135 to 168 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 03/24/1999 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 15, 2008

Effective Date: _____
(if different from order date)

Graham C. Rushen

Graham C. Mullen
United States District Judge

